

Remarks

The Office Action mailed July 24, 2003 and made final has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-27, 37-44, and 54-58 are pending in this application. Claims 1-58 stand rejected. Claims 28-36 and 45-53 have been cancelled.

The rejection of Claims 1-27 and 54-58 under 35 U.S.C. § 112, first paragraph, is respectfully traversed.

Applicants respectfully submit that the specification meets the requirements of Section 112, first paragraph. Specifically, Applicants respectfully submit that the specification, including the figures, would enable one skilled in the art to make and/or use the invention as described in the present patent application. Accordingly, Applicants respectfully request that the rejection of Claims 1-27, and 54-58 under Section 112, first paragraph, be withdrawn.

The Office Action indicates at pages 3-4 that the “claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, has possession of the claimed invention.” Moreover, the Office Action indicates that there “is claimed a ‘deal’ which meets and bounds are now defined by amendment to the specification as new matter.”

Applicants respectfully submit that Applicants’ Amendment dated November 27, 2002 did not add new matter, and that the term “deal” as described in the November 27th Amendment is fully supported by the originally filed specification.

The originally filed specification clearly provides support for the term “deal” as described in the November 27th Amendment. For example, the originally filed specification recited at paragraph [0023] (prior to filing the November 27th Amendment) as follows:

Set forth below is a description of exemplary methods and systems for facilitating an assessment of profitability of accounts over the life of the accounts. While the methods and systems are sometimes described in the context of loans and loan portfolios, the methods and systems are not limited to practice in connection with

only loans and loan portfolios. The methods and systems can be used, for example, in connection with leases, financing and many other different types of financial activity.

Moreover, the originally filed specification describes, for example, the term “deal” at least at the following locations: paragraph [0034] (e.g., deal size); paragraph [0037] (e.g., closed deal reporting); paragraph [0038] (e.g., deal samples and deal expenses); paragraph [0041] (e.g., deal size, pricing of the deal, etc.); and paragraphs [0043] through [0051] and [0057] (e.g., deals, deal name, deal structure, etc.).

Applicants therefore respectfully submit that no new matter was added through Applicants’ Amendment dated November 27, 2002, and that the term “deal” as described in the November 27th Amendment is fully supported by the originally filed specification. Accordingly, Applicants respectfully request that the rejection of Claims 1-27 and 54-58 under Section 112, first paragraph, be withdrawn.

For the reasons set forth above, Applicants respectfully request that the rejection of Claims 1-27, and 54-58 under Section 112, first paragraph, be withdrawn.

The objection to the Amendment filed November 27, 2002 is respectfully traversed. Applicants respectfully submit that Applicants’ Amendment dated November 27, 2002 did not add new matter, and that the term “deal” as described in the November 27th Amendment is fully supported by the originally filed specification. The Office Action indicates at page 4 that the “added material which is not supported by the original disclosure is as follows: ‘A deal is defined as any loan portfolios, leases, finances, and any other financial activity.’”

As discussed above, the originally filed specification clearly provides support for the term “deal” as described in the November 27th Amendment. For example, the originally filed specification recited at paragraph [0023] (prior to filing the November 27th Amendment) as follows:

Set forth below is a description of exemplary methods and systems for facilitating an assessment of profitability of accounts over the life of the accounts. While the methods and systems are sometimes described in the context of loans and loan portfolios, the methods and systems are not limited to practice in connection with

only loans and loan portfolios. The methods and systems can be used, for example, in connection with leases, financing and many other different types of financial activity.

Moreover, the originally filed specification describes, for example, the term "deal" at least at the following locations: paragraph [0034] (e.g., deal size); paragraph [0037] (e.g., closed deal reporting); paragraph [0038] (e.g., deal samples and deal expenses); paragraph [0041] (e.g., deal size, pricing of the deal, etc.); and paragraphs [0043] through [0051] and [0057] (e.g., deals, deal name, deal structure, etc.). Accordingly, Applicants respectfully request that the objection to the Amendment filed November 27, 2002 under 35 U.S.C. § 132 be withdrawn.

For the reasons set forth above, Applicants respectfully request that the objection under 35 U.S.C. § 132 be withdrawn.

The rejection of Claims 1-5, 37, and 55-58 under 35 U.S.C. § 103(a) as being unpatentable over Field (U.S. Patent No. 6,073,104) in view of Chaudhuri et al. (U.S. Patent No. 5,913,207) ("Chaudhuri") in further view of King (U.S. Patent No. 6,148,293) is respectfully traversed.

Applicants respectfully submit that none of Field, Chaudhuri, or King, considered alone or in combination, describe or suggest the claimed invention. More specifically, at least one of the differences between the claimed invention and the cited references is that none of Field, Chaudhuri, or King, considered alone or in combination, describe or suggest prompting a user to enter at least one workload driver for a deal wherein each workload driver is an element of the deal that is to be reviewed as part of a deal evaluation, prompting the user to enter a trigger level for each entered workload driver wherein the trigger level assigned to a workload driver indicates the anticipated level of effort required to review the corresponding workload driver, prompting the user to enter a weight for each trigger level, and allocating portfolio and underwriting expenses based upon workload drivers and the corresponding trigger levels.

Field describes a computerized system that will allow healthcare providers to access the commercial paper market by "selling" their patient claims to asset backed commercial paper conduits. The system generates statistical information on an historic collection experience of the

provider's claims required by both the rating agencies and the sponsors of the conduits. This statistical information has two pieces: the net collectible value matrix showing the percentage of the claim actually paid by individual payers; and a collection histogram showing the timing of the payers payments from the date of initial billing. The system also generates the accounting detail necessary for controlling and auditing the provider's participation in the commercial paper conduit program. The system tracks "periodic pools" of claims so as to be able to reconcile advances, collections, interest expense, third party fees and cash settlements between conduits and providers. This statistical information has two pieces: the net collectible value matrix showing both the percentage of the claim actually paid by individual payors and the standard deviation of this percentage; and a collection histogram showing the timing of the payors' payments from the date of initial billing.

Chaudhuri describes a method and a tool for selecting an index configuration from a set of indexes for use by a database server in accessing a database to execute a workload of queries against the database. The queries are defined by a query language supported by the database system. The index selection tool attempts to reduce the number of indexes to be considered, the number of index configurations to be enumerated, and the number of invocations of a query optimizer in selecting an index configuration for the workload.

King describes an operatively interconnected data processing and computing system for creating, servicing and paying loan agreements between a lender and borrower. The system provides for repayment of the loan together with interest at a periodically adjusted rate based on the terms of the agreement. The system includes data processing for a novel form of relationship management links, supervising and balancing the interests of contractholders, marketing agents, financial intermediaries, investment managers, investment bankers, custodians, rating agencies and an issuing entity.

Claim 1 recites a method for operating a computer to facilitate use of a pricing model for evaluating a deal that includes a portfolio of loans, wherein the method includes "prompting a user to enter at least one workload driver for the deal, each workload driver is an element of the deal that is to be reviewed as part of the deal evaluation...prompting the user to enter a trigger

level for each entered workload driver, the trigger level assigned to a workload driver indicates the anticipated level of effort required to review the corresponding workload driver...prompting the user to enter a weight for each trigger level...and allocating portfolio and underwriting expenses, based upon workload drivers and the corresponding trigger levels.”

None of Field, Chaudhuri, or King, considered alone or in combination, describe or suggest a method for evaluating a deal that includes a portfolio of loans, the method includes prompting a user to enter at least one workload driver for the deal wherein each workload driver is an element of the deal that is to be reviewed as part of the deal evaluation, prompting the user to enter a trigger level for each entered workload driver wherein the trigger level assigned to a workload driver indicates the anticipated level of effort required to review the corresponding workload driver, prompting the user to enter a weight for each trigger level, and allocating portfolio and underwriting expenses, based upon workload drivers and the corresponding trigger levels.

More specifically, none of Field, Chaudhuri, or King, considered alone or in combination, describe or suggest prompting a user to enter a trigger level for each entered workload driver wherein the trigger level assigned to a workload driver indicates the anticipated level of effort required to review the corresponding workload driver, prompting the user to enter a weight for each trigger level, and allocating portfolio and underwriting expenses based upon workload drivers and the corresponding trigger levels.

Applicants respectfully traverse the suggestion included in the Office Action at page 5 that column 20, lines 4-10 of Field describes “Trigger levels are entered for the claims where each level assigned indicates an anticipated level of effort to review the claims.” Rather, Applicants submit that column 20, lines 4-10 of Field actually describes “trigger levels for adjusting advance rates”. More specifically, Field recites at column 20, lines 1-6 as follows:

If the average net collectible value of the recently collected claims is greater than or equal to the sum, then an upward revision of the advance rates is triggered. If the change in the average net collectible value does not exceed the trigger levels, then the advance rates remain at their present level.

Field describes advance rates at column 16, lines 16-18 as “the rate at which the SPE [Special Purpose Entity] is to advance money against receivables of specific payors”. In other words, the “trigger levels” described in Field do not indicate an anticipated level of effort to review claims as suggested by the Office Action. Rather, the trigger levels described in Field are defined in the contract between the SPE and the provider, and indicate that the net collectible value statistics (average net collectible value and standard deviation) have changed by a predetermined amount such as to require a change to the advance rates (col. 19, line 33 to col. 20, line 6). Applicants therefore submit that Field does not describe nor suggest prompting a user to enter a trigger level for each entered workload driver wherein the trigger level assigned to a workload driver indicates the anticipated level of effort required to review the corresponding workload driver.

Moreover, Chaudhuri describes a method and a tool for selecting an index configuration from a set of indexes for use by a database server in accessing a database to execute a workload of queries against the database. The Office Action suggests at page 5 that Chaudhuri “discloses allocating workload drivers and trigger levels for a database (col. 2, lines 14-67).” However, Claim 1 recites “allocating portfolio and underwriting expenses, based upon workload drivers and the corresponding trigger levels.” Accordingly, Chaudhuri does not describe nor suggest allocating portfolio and underwriting expenses based upon workload drivers and corresponding trigger levels, but rather, Chaudhuri teaches allocating workload drivers and trigger levels for a database.

Furthermore, King describes an operatively interconnected data processing and computing system for creating, servicing and paying loan agreements between a lender and borrower. King does not describe nor suggest a method as recited in Claim 1. Accordingly, Applicants respectfully submit that Claim 1 is patentable over Field in view Chaudhuri in further view of King.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claim 1 be withdrawn.

Claims 2-5 depend, directly or indirectly, from independent Claim 1 which is submitted to be patentable. When the recitations of Claims 2-5 are considered in combination with the

recitations of Claim 1, Applicants submit that dependent Claims 2-5 are also patentable over Field in view of Chaudhuri in further view of King.

Claim 37 recites a computer-readable medium for evaluating a loan portfolio that includes “a record of workload drivers for a loan portfolio, each workload driver is an element of the loan portfolio that is to be reviewed as part of the portfolio evaluation...a record of trigger levels for each workload driver, each trigger level assigned to a workload driver indicates the anticipated level of effort required to review the corresponding workload driver...and a plurality of rules for matching workload drivers and trigger levels to one or more loan portfolios.”

None of Field, Chaudhuri, or King, considered alone or in combination, describe or suggest a computer-readable medium for evaluating a loan portfolio that includes a record of workload drivers for a loan portfolio wherein each workload driver is an element of the loan portfolio that is to be reviewed as part of the portfolio evaluation, a record of trigger levels for each workload driver wherein each trigger level assigned to a workload driver indicates the anticipated level of effort required to review the corresponding workload driver, and a plurality of rules for matching workload drivers and trigger levels to one or more loan portfolios.

Rather, Field describes a computerized system that allows healthcare providers to access the commercial paper market by "selling" their patient claims to asset backed commercial paper conduits; Chaudhuri describes a method and a tool for selecting an index configuration from a set of indexes for use by a database server in accessing a database to execute a workload of queries against the database; and King describes an operatively interconnected data processing and computing system for creating, servicing and paying loan agreements between a lender and borrower.

Although the Office Action suggests that Field describes a system that includes “Trigger levels are entered for the claims where each level assigned indicates an anticipated level of effort to review the claims”, Applicants submit that Field actually describes at column 20, lines 4-10 “trigger levels for adjusting advance rates”. In other words, the “trigger levels” described in Field do not indicate an anticipated level of effort to review claims as suggested by the Office Action, but rather, the trigger levels described in Field are defined in the contract between the

SPE and the provider, and indicate that the net collectible value statistics (average net collectible value and standard deviation) have changed by a predetermined amount such as to require a change to the advance rates (col. 19, line 33 to col. 20, line 6). Applicants therefore submit that Field does not describe nor suggest prompting a user to enter a trigger level for each entered workload driver wherein the trigger level assigned to a workload driver indicates the anticipated level of effort required to review the corresponding workload driver.

Moreover, Chaudhuri describes a method and a tool for selecting an index configuration from a set of indexes for use by a database server in accessing a database to execute a workload of queries against the database. Although the Office Action suggests at page 5 that Chaudhuri “discloses allocating workload drivers and trigger levels for a database (col. 2, lines 14-67)”, Chaudhuri does not describe nor suggest a plurality of rules for matching workload drivers and trigger levels to one or more loan portfolios. Accordingly, Applicants respectfully submit that Claim 37 is patentable over Field in view Chaudhuri in further view of King.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claim 37 be withdrawn.

Claims 55-58 depend from independent Claim 54. Claim 54 recites a method for determining workloads for a portfolio of deals that includes “selecting, from an electronic interface, a number of workload drivers for the portfolio, each workload driver is an element of a deal that is to be reviewed as part of a deal evaluation...selecting, from the electronic interface, trigger levels for each of the workload drivers, each trigger level assigned to a workload driver indicates the anticipated level of effort required to review the corresponding workload driver...and requesting, from the electronic interface, a workload rating for the portfolio.”

None of Field, Chaudhuri, or King, considered alone or in combination, describe or suggest a method for determining workloads for a portfolio of deals that includes selecting from an electronic interface a number of workload drivers for the portfolio wherein each workload driver is an element of a deal that is to be reviewed as part of a deal evaluation, selecting from the electronic interface trigger levels for each of the workload drivers wherein each trigger level assigned to a workload driver indicates the anticipated level of effort required to review the

corresponding workload driver, and requesting from the electronic interface a workload rating for the portfolio.

Rather, Field describes a computerized system that allows healthcare providers to access the commercial paper market by "selling" their patient claims to asset backed commercial paper conduits; Chaudhuri describes a method and a tool for selecting an index configuration from a set of indexes for use by a database server in accessing a database to execute a workload of queries against the database; and King describes an operatively interconnected data processing and computing system for creating, servicing and paying loan agreements between a lender and borrower. Accordingly, Applicants respectfully submit that Claim 54 is patentable over Field in view of Chaudhuri in further view of King.

When the recitations of Claims 55-58 are considered in combination with the recitations of Claim 54, Applicants submit that dependent Claims 55-58 are also patentable over Field in view of Chaudhuri and further in view of King.

Notwithstanding the above, the rejection of Claims 1-5, 37, and 55-58 under 35 U.S.C. § 103(a) as being unpatentable over Field in view of Chaudhuri in further view of King is further traversed on the grounds that the Section 103 rejection of the presently pending claims is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify Field using the teachings of Chaudhuri and King. More specifically, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. None of Field, Chaudhuri, or King describe or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine Field with Chaudhuri or King because there is no motivation to combine the references suggested in the art. Rather, the Examiner has not pointed to any prior art that teaches or suggests to combine the disclosures, other than Applicants' own teaching. Only the conclusory statement that "[i]t would have been obvious to one with ordinary skill in the art to include allocating expenses based upon workload drivers and their trigger levels to

Field because Chaudhuri teaches workload database considerations used to optimize database performance” suggests combining the disclosures.

More specifically, none of Field, Chaudhuri, or King describe or suggest the claimed invention. Rather, Field teaches a computerized system that allows healthcare providers to access the commercial paper market by "selling" their patient claims to asset backed commercial paper conduits. Chaudhuri teaches a method and a tool for selecting an index configuration from a set of indexes for use by a database server in accessing a database to execute a workload of queries against the database. King teaches an operatively interconnected data processing and computing system for creating, servicing and paying loan agreements between a lender and borrower. Combining Field with the teachings of Chaudhuri or King would not describe or suggest the present invention. Accordingly, Applicants respectfully submit that there is no suggestion or motivation to combine Field with Chaudhuri or King.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected from multiple patents in an attempt to arrive at the

claimed invention. Specifically, Field describes a computerized system that allows healthcare providers to access the commercial paper market by "selling" their patient claims to asset backed commercial paper conduits; Chaudhuri describes a method and a tool for selecting an index configuration from a set of indexes for use by a database server in accessing a database to execute a workload of queries against the database; and King describes an operatively interconnected data processing and computing system for creating, servicing and paying loan agreements between a lender and borrower. Since there is no teaching nor suggestion in the cited art for the claimed combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants respectfully request that the Section 103 rejection be withdrawn.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-5, 37, and 55-58 be withdrawn.

The rejection of Claims 7 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Field (U.S. Patent No. 6,073,104) in view of Chaudhuri et al. (U.S. Patent No. 5,913,207) ("Chaudhuri") is respectfully traversed.

Field and Chaudhuri are both described above.

Claim 7 recites a database that includes "data corresponding to workload drivers for a deal, each workload driver is an element of the deal that is to be reviewed as part of a deal evaluation...data corresponding to a trigger level for each workload driver, the trigger level assigned to a workload driver indicates the anticipated level of effort required to review the corresponding workload driver...and data corresponding to input and feedback regarding the deal."

Neither Field nor Chaudhuri, considered alone or in combination, describe or suggest a database that includes data corresponding to workload drivers for a deal wherein each workload driver is an element of the deal that is to be reviewed as part of a deal evaluation, data corresponding to a trigger level for each workload driver wherein the trigger level assigned to a

workload driver indicates the anticipated level of effort required to review the corresponding workload driver, and data corresponding to input and feedback regarding the deal.

Rather, Field describes a computerized system that allows healthcare providers to access the commercial paper market by "selling" their patient claims to asset backed commercial paper conduits; and Chaudhuri describes a method and a tool for selecting an index configuration from a set of indexes for use by a database server in accessing a database to execute a workload of queries against the database.

Although the Office Action suggests at pages 6-7 that Field describes at column 20, lines 4-10 "Trigger levels are entered for the claims where each level assigned indicates an anticipated level of effort to review the claims", Applicants respectfully submit that Field actually describes at column 20, lines 4-10 "trigger levels for adjusting advance rates". More specifically, Field describes trigger levels for adjusting advance rates wherein an advance rate is "the rate at which the SPE [Special Purpose Entity] is to advance money against receivables of specific payors". In other words, the trigger levels described in Field do not indicate an anticipated level of effort to review claims as suggested by the Office Action, but rather, the "trigger levels" described in Field are triggered when the net collectible value statistics (average net collectible value and standard deviation) have changed by a predetermined amount such as to require a change to the advance rates (col. 19, line 33 to col. 20, line 6). Applicants therefore submit that Field does not describe nor suggest prompting a user to enter a trigger level for each entered workload driver wherein the trigger level assigned to a workload driver indicates the anticipated level of effort required to review the corresponding workload driver.

Furthermore, the Office Action suggests at page 6 that Chaudhuri "discloses allocating workload drivers and trigger levels for a database (col. 2, lines 14-67)." However, Chaudhuri does not describe nor suggest a database that includes data corresponding to workload drivers for a deal wherein each workload driver is an element of the deal that is to be reviewed as part of a deal evaluation, data corresponding to a trigger level for each workload driver wherein the trigger level assigned to a workload driver indicates the anticipated level of effort required to review the corresponding workload driver, and data corresponding to input and feedback

regarding the deal. Accordingly, Applicants respectfully submit that Claim 7 is patentable over Field in view of Chaudhuri.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claim 7 be withdrawn.

Claim 17 recites a system for evaluating deal economics based on workload requirements that includes "a database comprising data corresponding to workload drivers and related trigger levels for each deal, each workload driver is an element of a deal that is to be reviewed as part of a deal evaluation, the trigger level assigned to a workload driver indicates the anticipated level of effort required to review the related workload driver...and a server configured to prompt users to select trigger levels for each designated workload driver when entering deal data."

Neither Field nor Chaudhuri, considered alone or in combination, describe or suggest a system for evaluating deal economics based on workload requirements that includes a database having data corresponding to workload drivers and related trigger levels for each deal wherein each workload driver is an element of a deal that is to be reviewed as part of a deal evaluation and the trigger level assigned to a workload driver indicates the anticipated level of effort required to review the related workload driver, and a server configured to prompt users to select trigger levels for each designated workload driver when entering deal data.

Rather, Field describes a computerized system that allows healthcare providers to access the commercial paper market by "selling" their patient claims to asset backed commercial paper conduits; and Chaudhuri describes a method and a tool for selecting an index configuration from a set of indexes for use by a database server in accessing a database to execute a workload of queries against the database. Accordingly, Applicants respectfully submit that Claim 17 is patentable over Field in view of Chaudhuri.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claim 17 be withdrawn.

Notwithstanding the above, the rejection of Claims 7 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Field in view of Chaudhuri is further traversed on the grounds that the

Section 103 rejection of the presently pending claims is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify Field using the teachings of Chaudhuri. More specifically, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. Neither Field nor Chaudhuri describe or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine Field with Chaudhuri because there is no motivation to combine the references suggested in the art. Rather, the Examiner has not pointed to any prior art that teaches or suggests to combine the disclosures, other than Applicants' own teaching.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Since there is no teaching nor suggestion in the cited art for the claimed combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants respectfully request that the Section 103 rejection be withdrawn.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 7 and 17 be withdrawn.

The rejection of Claims 6, 8-16, 18-27, and 38-44 under 35 U.S.C. § 103(a) as being unpatentable over Field (U.S. Patent No. 6,073,104) in view of Chaudhuri et al. (U.S. Patent No.

5,913,207) ("Chaudhuri") in further view of King (U.S. Patent No. 6,148,293) and further in view of Freeman et al. (U.S. Patent No. 6,249,775 B1) ("Freeman") is respectfully traversed.

Field, Chaudhuri, and King are all described above. Freeman describes a method for mortgage and closed end loan portfolio management in the form of an analytic tool designed to improve analysis of past and future performance of loan portfolios. The method includes aggregating loan units into loan vintages, wherein the loans in each vintage originate within a predetermined time interval of one another. The method further includes comparing different vintages to one another in a manner such that the ages of the loans in the different vintages are comparable to one another. An early warning component of the system predicts delinquency rates expected for a portfolio of loans during a forward looking time window. A matrix link component of the invention combines the loan vintage analysis with the early warning component of the invention and predicts the default rate of the loan portfolios at a selected future point in time. The results of the analysis are graphically depicted and/or automatically feedback to provide "yes" or "no" decisions regarding investments in various loan portfolios (see abstract).

Claim 6 depends from independent Claim 1. Claim 1 recites a method for operating a computer to facilitate use of a pricing model for evaluating a deal that includes a portfolio of loans, wherein the method includes "prompting a user to enter at least one workload driver for the deal, each workload driver is an element of the deal that is to be reviewed as part of the deal evaluation...prompting the user to enter a trigger level for each entered workload driver, the trigger level assigned to a workload driver indicates the anticipated level of effort required to review the corresponding workload driver...prompting the user to enter a weight for each trigger level...and allocating portfolio and underwriting expenses, based upon workload drivers and the corresponding trigger levels."

None of Field, Chaudhuri, King, or Freeman, considered alone or in combination, describe or suggest a method for evaluating a deal that includes a portfolio of loans, wherein the method includes prompting a user to enter at least one workload driver for the deal wherein each workload driver is an element of the deal that is to be reviewed as part of the deal evaluation, prompting the user to enter a trigger level for each entered workload driver wherein the trigger

level assigned to a workload driver indicates the anticipated level of effort required to review the corresponding workload driver, prompting the user to enter a weight for each trigger level, and allocating portfolio and underwriting expenses, based upon workload drivers and the corresponding trigger levels.

More specifically, none of Field, Chaudhuri, King, or Freeman, considered alone or in combination, describe or suggest prompting a user to enter a trigger level for each entered workload driver wherein the trigger level assigned to a workload driver indicates the anticipated level of effort required to review the corresponding workload driver, prompting the user to enter a weight for each trigger level, and allocating portfolio and underwriting expenses based upon workload drivers and the corresponding trigger levels.

Rather, Field describes a computerized system that allows healthcare providers to access the commercial paper market by "selling" their patient claims to asset backed commercial paper conduits; Chaudhuri describes a method and a tool for selecting an index configuration from a set of indexes for use by a database server in accessing a database to execute a workload of queries against the database; King describes an operatively interconnected data processing and computing system for creating, servicing and paying loan agreements between a lender and borrower; and Freeman describes a method for mortgage and closed end loan portfolio management in the form of an analytic tool designed to improve analysis of past and future performance of loan portfolios.

Although the Office Action mentions at page 8 that Freeman discloses "financial data including loan data", Freeman does not describe nor suggest prompting a user to enter a trigger level for each entered workload driver wherein the trigger level assigned to a workload driver indicates the anticipated level of effort required to review the corresponding workload driver, prompting the user to enter a weight for each trigger level, and allocating portfolio and underwriting expenses based upon workload drivers and the corresponding trigger levels. Accordingly, Applicants respectfully submit that Claim 1 is patentable over Field in view Chaudhuri in further view of King and further in view of Freeman.

When the recitations of Claim 6 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claim 6 is also patentable over Field in view of Chaudhuri in further view of King and further in view of Freeman.

Claims 8-16 depend from independent Claim 7. Claim 7 recites a database that includes “data corresponding to workload drivers for a deal, each workload driver is an element of the deal that is to be reviewed as part of a deal evaluation...data corresponding to a trigger level for each workload driver, the trigger level assigned to a workload driver indicates the anticipated level of effort required to review the corresponding workload driver...and data corresponding to input and feedback regarding the deal.”

None of Field, Chaudhuri, King, or Freeman, considered alone or in combination, describe or suggest a database that includes data corresponding to workload drivers for a deal wherein each workload driver is an element of the deal that is to be reviewed as part of a deal evaluation, data corresponding to a trigger level for each workload driver wherein the trigger level assigned to a workload driver indicates the anticipated level of effort required to review the corresponding workload driver, and data corresponding to input and feedback regarding the deal.

Rather, Field describes a computerized system that allows healthcare providers to access the commercial paper market by "selling" their patient claims to asset backed commercial paper conduits; Chaudhuri describes a method and a tool for selecting an index configuration from a set of indexes for use by a database server in accessing a database to execute a workload of queries against the database; King describes an operatively interconnected data processing and computing system for creating, servicing and paying loan agreements between a lender and borrower; and Freeman describes a method for mortgage and closed end loan portfolio management in the form of an analytic tool designed to improve analysis of past and future performance of loan portfolios. Accordingly, Applicants respectfully submit that Claim 7 is patentable over Field in view of Chaudhuri in further view of King and further in view of Freeman.

When the recitations of Claims 8-16 are considered in combination with the recitations of Claim 7, Applicants submit that dependent Claims 8-16 are also patentable over Field in view of Chaudhuri in further view of King and further in view of Freeman.

Claims 18-27 depend from independent Claim 17. Claim 17 recites a system for evaluating deal economics based on workload requirements that includes “a database comprising data corresponding to workload drivers and related trigger levels for each deal, each workload driver is an element of a deal that is to be reviewed as part of a deal evaluation, the trigger level assigned to a workload driver indicates the anticipated level of effort required to review the related workload driver...and a server configured to prompt users to select trigger levels for each designated workload driver when entering deal data.”

None of Field, Chaudhuri, King, or Freeman, considered alone or in combination, describe or suggest a system for evaluating deal economics based on workload requirements that includes a database having data corresponding to workload drivers and related trigger levels for each deal wherein each workload driver is an element of a deal that is to be reviewed as part of a deal evaluation and the trigger level assigned to a workload driver indicates the anticipated level of effort required to review the related workload driver, and a server configured to prompt users to select trigger levels for each designated workload driver when entering deal data.

Rather, Field describes a computerized system that allows healthcare providers to access the commercial paper market by "selling" their patient claims to asset backed commercial paper conduits; Chaudhuri describes a method and a tool for selecting an index configuration from a set of indexes for use by a database server in accessing a database to execute a workload of queries against the database; King describes an operatively interconnected data processing and computing system for creating, servicing and paying loan agreements between a lender and borrower; and Freeman describes a method for mortgage and closed end loan portfolio management in the form of an analytic tool designed to improve analysis of past and future performance of loan portfolios. Accordingly, Applicants respectfully submit that Claim 17 is patentable over Field in view of Chaudhuri in further view of King and further in view of Freeman.

When the recitations of Claims 18-27 are considered in combination with the recitations of Claim 17, Applicants submit that dependent Claims 18-27 are also patentable over Field in view of Chaudhuri in further view of King and further in view of Freeman.

Claims 38-44 depend from independent Claim 37. Claim 37 recites a computer-readable medium for evaluating a loan portfolio that includes “a record of workload drivers for a loan portfolio, each workload driver is an element of the loan portfolio that is to be reviewed as part of the portfolio evaluation...a record of trigger levels for each workload driver, each trigger level assigned to a workload driver indicates the anticipated level of effort required to review the corresponding workload driver...and a plurality of rules for matching workload drivers and trigger levels to one or more loan portfolios.”

None of Field, Chaudhuri, King, or Freeman, considered alone or in combination, describe or suggest a computer-readable medium for evaluating a loan portfolio that includes a record of workload drivers for a loan portfolio wherein each workload driver is an element of the loan portfolio that is to be reviewed as part of the portfolio evaluation, a record of trigger levels for each workload driver wherein each trigger level assigned to a workload driver indicates the anticipated level of effort required to review the corresponding workload driver, and a plurality of rules for matching workload drivers and trigger levels to one or more loan portfolios.

Rather, Field describes a computerized system that allows healthcare providers to access the commercial paper market by "selling" their patient claims to asset backed commercial paper conduits; Chaudhuri describes a method and a tool for selecting an index configuration from a set of indexes for use by a database server in accessing a database to execute a workload of queries against the database; King describes an operatively interconnected data processing and computing system for creating, servicing and paying loan agreements between a lender and borrower; and Freeman describes a method for mortgage and closed end loan portfolio management in the form of an analytic tool designed to improve analysis of past and future performance of loan portfolios. Accordingly, Applicants respectfully submit that Claim 37 is patentable over Field in view of Chaudhuri in further view of King and further in view of Freeman.

When the recitations of Claims 38-44 are considered in combination with the recitations of Claim 37, Applicants submit that dependent Claims 38-44 are also patentable over Field in view of Chaudhuri in further view of King and further in view of Freeman.

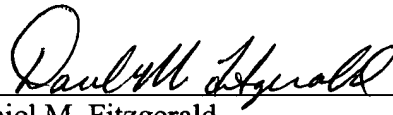
Notwithstanding the above, the rejection of Claims 6, 8-16, 18-27, and 38-44 under 35 U.S.C. § 103(a) as being unpatentable over Field in view of Chaudhuri in further view of King and further in view of Freeman is further traversed on the grounds that the Section 103 rejection of the presently pending claims is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify Field using the teachings of Chaudhuri, King, and Freeman. More specifically, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. None of Field, Chaudhuri, King, or Freeman describe or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine Field with Chaudhuri, King, or Freeman because there is no motivation to combine the references suggested in the art.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Since there is no teaching nor suggestion in the cited art for the claimed combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants respectfully request that the Section 103 rejection be withdrawn.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 6, 8-16, 18-27, and 38-44 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Daniel M. Fitzgerald", is written over a horizontal line.

Daniel M. Fitzgerald
Registration No. 38,880
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070